

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROD WHEELER,

Plaintiff,

v.

TWENTY-FIRST CENTURY FOX, INC., FOX
NEWS NETWORK LLC, MALIA ZIMMERMAN,
in her individual and professional capacities and
ED BUTOWSKY, in his individual and
professional capacities,

Defendants.
-----X

Civil Action No. 17-cv-05807 (GBD)

**DECLARATION OF MICHAEL J.
WILLEMIN IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL OF RECORD**

I, Michael J. Willemin, pursuant to 28 U.S.C. § 1746, declare and state as follows:

1. I am a Partner at the law firm Wigdor LLP, attorneys for Plaintiff Rod Wheeler in the above-captioned matter against Defendants Twenty-First Century Fox, Inc., Fox News Network LLC, Malia Zimmerman and Ed Butowsky (collectively, “Defendants”).

2. I submit this Declaration in support of Wigdor LLP’s motion to withdraw as counsel of record in this action.

3. This action was filed on August 1, 2017. See Dkt. No. 1. On October 23, 2017, an Amended Complaint was filed. See Dkt. No. 56. On December 1, 2017, Defendants filed two motions to dismiss the claims brought in this action. See Dkt. Nos. 74-6, 78-80. Defendant Ed Butowsky had previously filed a motion for sanctions pursuant to Fed. R. Civ. P. 11. On February 28, 2018, oral argument was held on the pending motions. Both motions to dismiss and the motion for sanctions are *sub judice*, and discovery has not yet commenced.

4. I am of the opinion that there is an irrevocable breakdown of the attorney-client relationship with respect to Wigdor LLP and Mr. Wheeler. I am, of course, more than willing to

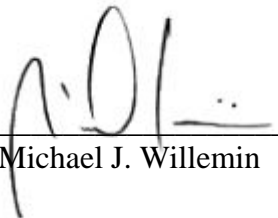
provide additional information (consistent with Wigdor LLP's ethical obligations) *in camera* and *ex-parte*, or otherwise, as the Court requests. As the Court is currently considering the motions dismiss in this matter, we would consent to providing such submission to a Magistrate Judge, if the Court prefers.

5. On May 6, 2018, Wigdor LLP informed Mr. Wheeler that it would be filing a motion to withdraw as counsel today.

6. Wigdor LLP is not asserting a retaining or charging lien in connection with this matter.

7. To the extent that this motion is granted, Wigdor LLP respectfully requests that it be permitted to continue to handle any matters (if any arise) related to Defendant Butowsky's pending Fed. R. Civ. P. 11 motion.

Dated: May 14, 2018
New York, New York



Michael J. Willemin